

REMARKS

The present amendment is submitted in response to the Office Action dated October 31, 2007, which set a three-month period for response, making this amendment due by January 31, 2008.

Claims 15-30 are pending in this application.

In the Office Action, claim 15 was objected to for an informality. Claims 1-26, 28 and 29 stand rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 973 353 to Rudolf et al ("Rudolf '353"). Claims 24, 25 and 27 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,924,635 to Rudolf et al ("Rudolf '635").

In this amendment, claim 15 has been amended to address the noted objection and to correct a typographical error.

In addition, new dependent claim 30 has been added, which depends from claim 19 and defines that the narrow angular range has an angle which is greater than 0°.

Looking next at the new substantive rejections of the claims, the Applicants respectfully disagree that either of the Rudolf references anticipates the present invention as defined in the pending claims.

Regarding the European reference to Rudolf first, hereinafter referred to as Rudolf '353, this reference discloses a grinder 10 with a guard 14, in which coding means 31, 32, 33 are provided to assure a use of the grinder with a

suitable guard to prevent damage of the insertion tool 13 or the grinder 10 or the operator, respectively (see Rudolf '353, column 3, lines 36-52).

In contrast, the present invention as recited in the claims relates to a system composed of a guard 16 and a power tool with a rotation-prevention means 20, which is provided with a blocking means 32, 40 on a guard side and with a corresponding stop means 34, 42 on a power tool side and with an attachment means 28 for clamping the guard 16 to the power tool, wherein the stop means 34, 42 limits rotation of the guard 16 ***in the event of shattering of an insertion tool 14*** in an operation mode of the power tool.

Therefore, the present invention comprises a system which provides a safety mechanism in the vent of an accidental shattering or bursting of an insertion tool during operation mode of the power tool. In case of high forces, which act on the guard 16, a force closure, which secures the guard 16 on a collar 24 of the power tool by means of the attachment means 28, disengages and a rotation of the guard 16 is intended. The rotation is limited by an interaction of the blocking means (stop cam, blocking lug) 32, 40 and the stop means (limiting groove, stop) 34, 42 (see specification of the present application at page 5, line 26 to page 6, line 2).

Thus, this safety mechanism provides a guard 16, which is intended to perform a forced rotation in case of an accidental shattering of the insertion tool. Furthermore, due to the design of the blocking means 32, 40, a robust catch of the guard 16, even when very high forces act on the guard 16, can be provided.

Finally, the construction ensures a proper handling without possible operating errors.

Rudolf '353 only discloses a mechanism for a proper coding of a grinder 10 to the suitable guard 14. This mechanism or the provided elements 31, 32, 33 of this mechanism are not intended or appropriate for securing the guard 16 in the event of shattering of an insertion tool 13.

As shown in Fig. 2 of Rudolf '353, the barrier element 31 has a rounded edge. This edge would act on the stop of the groove 32 in case of a forced rotation of the guard 14 if the insertion tool 13 shatters. Because of the rounded edge of the guard 14 and the extremely high forces acting on the guard 14, and therefore on the barrier element 31, this barrier element 31 would not stop the rotation of the guard 14 at the stop of the groove 32. Thus, the barrier element 31 is not suitable for securing the guard 16 on the grinder 10 or, for example, it would not limit the rotation of the guard 14 to a narrow angular range.

Furthermore, as shown in Fig. 3, the barrier element 31 is embodied as an extension of part 15 of the guard 14, and therefore is constructed as a thin layer and not intended to sustain high forces. In addition, the positioning of the barrier element 31 at the edge of the part 15 of the guard 14 does not provide a robust arrangement to stop extremely high forces (see Rudolf '353, Fig. 3 and column 2, lines 48-52).

The Rudolf '353 description and figures make very clear that the barrier element 31 is only constructed and arranged to provide a coding for the mounting

of a suitable guard 14 on the corresponding grinder 10 (see Rudolf '353, Figs. 2 through 4 and column 6, lines 31-56).

Based on the foregoing distinctions, claim 15 is not anticipated by Rudolf '353. In addition, Rudolf '353 provides no mutation or suggestion for integrating such a safety mechanism, which is suitable for acting in the event the insertion tool shatters.

Regarding the U.S. Patent to Rudolf et al, hereinafter referred to as Rudolf '635, this reference discloses a power tool 1 provided with a guard 8. Rudolf '635 fails to disclose any mechanism which provides a security mechanism in the event that the insertion tool 6 accidentally shatters.

Therefore, claim 15 also is not anticipated by the Rudolf '635 reference. In addition, even a combination of the two Rudolf references would not lead the practitioner to the present invention, since the combination still would not disclose or suggest all of the features of claim 15.

The Applicants submit further that neither of the Rudolf reference can be considered as an appropriate reference either under, MPEP section 2131, which indicates that to anticipate a claim a reference must teach every element of the claim in as complete detail as is contained in the Applicants' claim, or under MPEP section 2143.03, since not all of Applicants' claim limitations are taught or suggested.

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much

welcome a telephone call in order to resolve any issues in order to expedite
placement of the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Striker", is written over the printed name and title.

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